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EXPRESS MAIL LABEL NO. EV 660686106 US

PATENT APPLICATION  
Docket No. 16039.3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
Maspero, et al.	)	
Serial No.	10/840,041	)Art Unit
Confirmation No.	7765	) 3732
Filed:	May 6, 2004	)
For:	BIOCOMPATIBLE BONE IMPLANT COMPOSITIONS AND METHODS FOR REPAIRING A BONE DEFECT	)
Customer No.	022913	)

TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

X Form PTO-1449 list of twenty-four (24) references submitted for consideration.

X Copies of eight (8) of the references listed on the Form PTO-1449.

Because this Information Disclosure Statement is being filed prior to the mailing of the first substantive office action, no fee is required.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 21<sup>th</sup> day of May 2005.

Respectfully submitted,



John M. Guynn  
Attorney for Applicant(s)  
Registration No. 36,153  
Customer No. 022913

JMG:sa



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

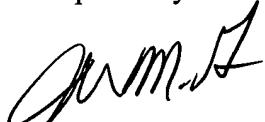
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references, not a U.S. Patent or U.S. published application, or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

DATED this 27<sup>th</sup> day of May 2005.

Respectfully submitted,



John M. Guynn  
Attorney for Applicant(s)  
Registration No. 36,153  
Customer No. 022913

JMG:sa

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Applicant: Maspero, et al.  
 Serial No. 10/840,041  
 Confirmation No. 7765  
 Filing Date: May 6, 2004

Att'y Docket No. 16039.3  
 Group: 3732

For:

**BIOCOMPATIBLE BONE IMPLANT COMPOSITIONS AND  
METHODS FOR REPAIRING A BONE DEFECT**



**SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT**

**U.S. Patent Documents**

Examiner Initial*	Document Number	Issue Date	Name
____ 1	4,685,883	08/11/1987	Jernberg
____ 2	4,938,763	07/03/1990	Dunn et al.
____ 3	5,077,049	12/31/1991	Dunn et al.
____ 4	5,278,201	01/11/1994	Dunn et al.
____ 5	5,324,520	06/28/1994	Dunn et al.
____ 6	5,340,849	08/23/1994	Dunn et al.
____ 7	5,487,897	01/30/1996	Polson et al.
____ 8	5,681,873	10/28/1997	Norton et al.
____ 9	5,725,491	03/10/1998	Tipton et al.
____ 10	5,733,950	03/31/1998	Dunn et al.
____ 11	5,962,006	10/05/1999	Southard et al.
____ 12	6,120,789	09/19/2000	Dunn
____ 13	6,143,314	11/07/2000	Chandrashekhar et al.
____ 14	6,432,438	08/13/2002	Shukla

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Maspero, et al.  
Serial No. 10/840,041 Att'y Docket No. 16039.3  
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      15       6,461,631                   10/08/2002                   Dunn et al.

U.S. Patent Application Publications

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Name</u>
<u>      16      </u>	US/2003/0104029	June 5, 2003	Pirhonen et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
<u>      17      </u>	WO 92/00718	January 23, 1992	PCT
<u>      18      </u>	WO 95/27481	October 19, 1995	PCT
<u>      19      </u>	WO 95/28124	October 26, 1995	PCT
<u>      20      </u>	WO 96/21427	July 18, 1996	PCT
<u>      21      </u>	EP 0 950 403 A2	October 20, 1999	EPO
<u>      22      </u>	WO 00/01760	January 13, 2000	PCT
<u>      23      </u>	WO 00/06117	February 10, 2000	PCT
<u>      24      </u>	WO 03/004764 A1	January 16, 2003	PCT

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Examiner: \_\_\_\_\_ Date Considered: \_\_\_\_\_

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Applicant: Maspero, et al.

Serial No. 10/840,041

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METHODS FOR REPAIRING A BONE DEFECT**

Att'y Docket No. 16039.3

Group: 3732

**References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

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TIONS AND METHODS FOR REPAIRING A )  
BONE DEFECT )  
Customer No. 022913 )

**CERTIFICATE OF MAILING BY "EXPRESS MAIL."**

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Mail Stop AMENDMENT: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- Transmittal for Information Disclosure Statement (2 pg.)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 listing 24 references (3 pgs.)
- Copies of eight (8) references
- Postcard

Dated this 1<sup>st</sup> day of June 2005.

Respectfully submitted,

Sharon Collins

Shanon Adkins  
Paralegal to John M. Guynn  
Attorney for Applicant(s)  
Registration No. 36,153  
Customer No. 022913

JMG:sa

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